

City Council Introduction: **Monday**, April 30, 2001
Public Hearing: **Monday**, May 7, 2001, at **1:30** p.m.

Bill No. 01-76

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 3318**, from H-3 Highway Commercial to I-1 Industrial, requested by John and Patsy Pittman, for the south 69.33 feet of Lot 2, Husker Electric Subdivision, generally located at 3035 No. 35th Street, just north of Cornhusker Highway.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda, 4/18/01
Administrative Action: 4/18/01

STAFF RECOMMENDATION: Approval.

RECOMMENDATION: Approval (8-0: Krieser, Carlson, Schwinn, Steward, Newman, Taylor, Duvall and Bayer voting 'yes'; Hunter absent).

FINDINGS OF FACT:

1. The Planning staff recommendation to approve this change of zone request is based upon the "Analysis" as set forth on p.3-5, concluding that this change of zone will align the zoning district boundary with the applicant's property line while moving potential parking areas farther from the right-of-way.
2. This application was placed on the Consent Agenda of the Planning Commission on April 18, 2001, and opened for public hearing. No one came forward to speak.
3. The Planning Commission agreed with the staff recommendation.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: April 23, 2001

REVIEWED BY: _____

DATE: April 23, 2001

REFERENCE NUMBER: FS\CC\FSCZ3318

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Change of Zone #3318

DATE: April 2, 2001

PROPOSAL: Ward F. Hoppe, on behalf of John R. and Patsy F. Pittman, has requested a change of zone from H-3 Highway Commercial to I-1 Industrial on the S. 69.33 feet of Lot 2, Husker Electric Subdivision.

GENERAL INFORMATION:

APPLICANT: John R. & Patsy F. Pittman
1201 Waverly Road
Raymond, NE 68428

CONTACT: Ward F. Hoppe, Attorney at Law
1101 Cornhusker Hwy. - Suite 303
Lincoln, NE 68521
(402) 476-7888

LOCATION: 3035 N. 35th Street, just north of Cornhusker Highway.

REQUESTED ACTION: Change the zoning map.

LEGAL DESCRIPTION: The S. 69.33 feet of Lot 2, Husker Electric Subdivision, located in the SE 1/4 of Section 7, T10N, R7E of the 6th P.M., Lincoln, Lancaster County, Nebraska.

SIZE: 22,210.6 square feet, more or less

EXISTING ZONING: H-3 Highway Commercial

EXISTING LAND USE: Hitch and trailer business.

SURROUNDING LAND USE AND ZONING: I-1 Industrial zoned warehouse/industrial/ commercial uses to the west and north; I-1 Industrial zoned mobile home court to the northeast; and H-3 zoned commercial uses to the south and east along Cornhusker Highway.

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Plan identifies this property as Commercial.

HISTORY:

Sept. 13, 1954 City Council approved Change of Zone #28, which changed the zoning at 35th & Cornhusker Hwy from A-A Rural and Public Use to H-2 Highway Commercial.

April 10, 1961 City Council approved Change of Zone #326, which changed the zoning north of Cornhusker Hwy on 35th from A-A Rural and Public Use to K Light Industrial.

1979 Zoning Update

The area was converted from H-2 Highway Commercial to H-3 Highway Commercial.

SPECIFIC INFORMATION:

UTILITIES: Available

TOPOGRAPHY: Generally flat

TRAFFIC ANALYSIS: N. 35th Street is shown in neither the Existing nor the Future Functional Street and Road Classification.

PUBLIC SERVICE: The closest fire station is #2 at N. 33rd and Holdrege Street.

ALTERNATIVE USES: A use meeting both the H-3 and I-1 use, height and area regulations.

ANALYSIS:

1. The zoning line is currently 69.33' north of the applicant's south property line. If this request is granted the zoning line would be shifted to match the south line of Lot 2, Husker Electric Subdivision. Approximately 80% of Lot 2 is currently zoned I-1 Industrial.
2. The future land use plans are specific maps. In some situations, applications will be made for land use changes that are not in conformance with those maps. In each case, the Planning Department will complete an advisory review of Comprehensive Plan compliance for the Planning Commission and the City Council or County Board. This assessment will follow these guidelines:
 - ! If an application is generally consistent with the land use map and the zoning criteria, it will be considered to be consistent with the comprehensive plan.
 - ! If an application is not consistent with the land use maps but meets the zoning criteria, the proposal will be found to be inconsistent with the land use plan but compliant with the general concepts of the comprehensive plan. An amendment to the land use plan may be approved along with the rezoning proposal. The land use plan can then be updated on an annual basis to remain current.
 - ! If an application is inconsistent with both the land use plan and zoning criteria, it will be considered to be inconsistent with the comprehensive plan. Approval of the project will require an amendment to the comprehensive plan. (Page190)
3. There are seven specific zoning criteria established in the Plan for review including:
 - a. **Infrastructure: the availability of the water, sewer, drainage and the transportation systems.**

Water and sewer are available, and N. 35th St. intersects Cornhusker Highway.

b. Compatibility: harmony and suitability with the surrounding land uses and the natural environment.

The proposed zoning does not appear to conflict with the surrounding industrial and commercial zoning.

c. Health and Safety: protection against natural and man-made hazards including noise; air, ground and water pollution; flooding; and hazards from industrial or agricultural processes or products.

The land is adjacent to established commercial and industrial uses.

d. Physiographic Features: the topography, suitability of proposed land uses with streams, lakes, soil types, natural vegetation or wildlife habitat.

There appear to be no impacts upon physiographic features.

e. Accessibility: availability, or lack thereof, of public transportation, arterial connections and pedestrian linkages.

The site is just north of Cornhusker Hwy., which is classified as a principal arterial in both the Existing and Future Functional Street and Road Classification. There are no sidewalks on N. 35th St. A bus route runs along Cornhusker Hwy.

f. Open Space: availability of sufficient open space and recreational areas to accommodate a project's residents and employees.

There appear to be no open space impacts.

g. Fiscal Impacts: whether the proposed use does not create a burden to local tax revenues and/or available resources.

There appear to be no fiscal impacts.

4. This request, although not consistent with the land use maps, generally meets the zoning criteria outlined in the Comprehensive Plan.
5. The I-1 Industrial zoning district generally has less restrictive setbacks and a higher maximum height than the H-3 Highway Commercial district:

	Front Yard	Side Yard	Rear Yard	Height
I-1	15'	0'	0'	75'
H-3	30'	min. 5'	30' or 20% of depth*	45'

*exceptions/verbose clarifications not included - see attachment for full text

6. On this property, the required front yard is 30' because portions of the block face are zoned H-3 Highway Commercial.
7. Parking is permitted in the 30' front yard of the H-3 district. Parking is not permitted in the I-1 district's front yard. Per 27.47.070 L.M.C., "the required front yard shall be entirely devoted to landscaped area except for necessary paving of walkways and driveways to reach parking and loading areas in the side or rear yards."

STAFF CONCLUSION: This change of zone will align the zoning district boundary with the applicant's property line while moving potential parking areas farther from the right-of-way.

STAFF RECOMMENDATION: Approval

Prepared by:

Jason Reynolds
Planner

CHANGE OF ZONE NO. 3318

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

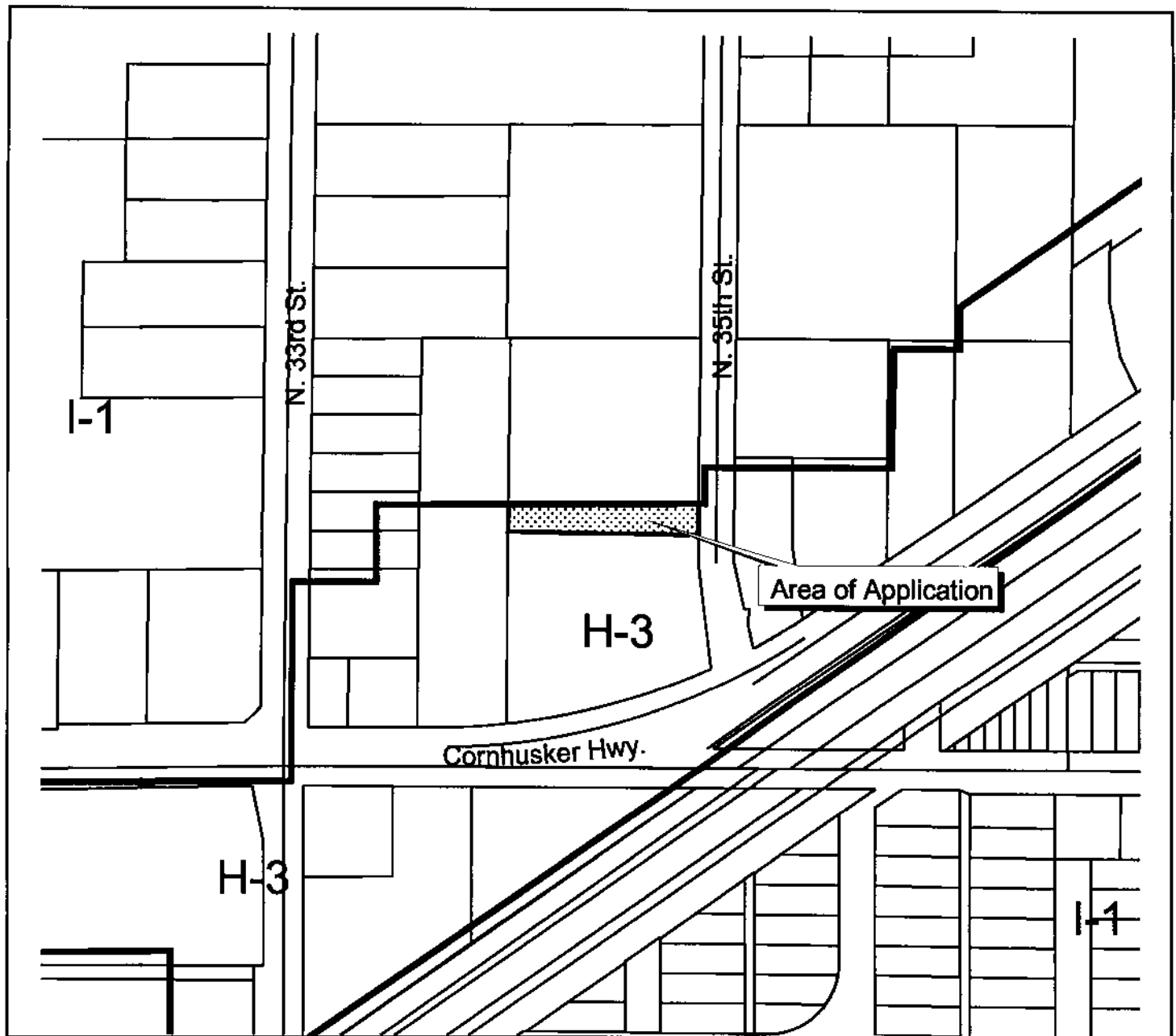
BEFORE PLANNING COMMISSION:

April 18, 2001

Members present: Bayer, Carlson, Duvall, Krieser, Newman, Schwinn, Steward and Taylor; Hunter absent.

The Consent agenda consisted of the following items: **CHANGE OF ZONE NO. 3318; FINAL PLAT NO. 00026, TIMBER RIDGE 3RD ADDITION; and STREET AND ALLEY VACATION NO. 01005.**

Schwinn moved to approve the Consent Agenda, seconded by Steward and carried 8-0: Bayer, Carlson, Duvall, Krieser, Newman, Schwinn, Steward and Taylor voting 'yes'; Hunter absent.

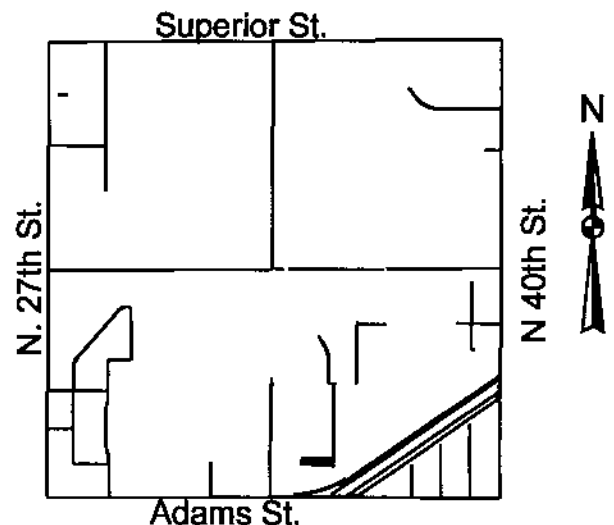
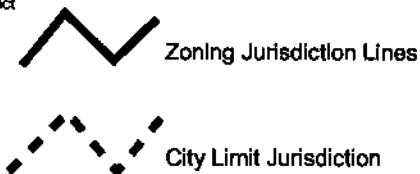


Change of Zone #3318 N. 35th & Cornhusker Hwy.

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 7 T10N R7E



Sheet 1 of 2
Date: 4-8-01
Lincoln City - Lancaster County Planning Dept.

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**Change of Zone #3318
N. 35th & Cornhusker Hwy.**

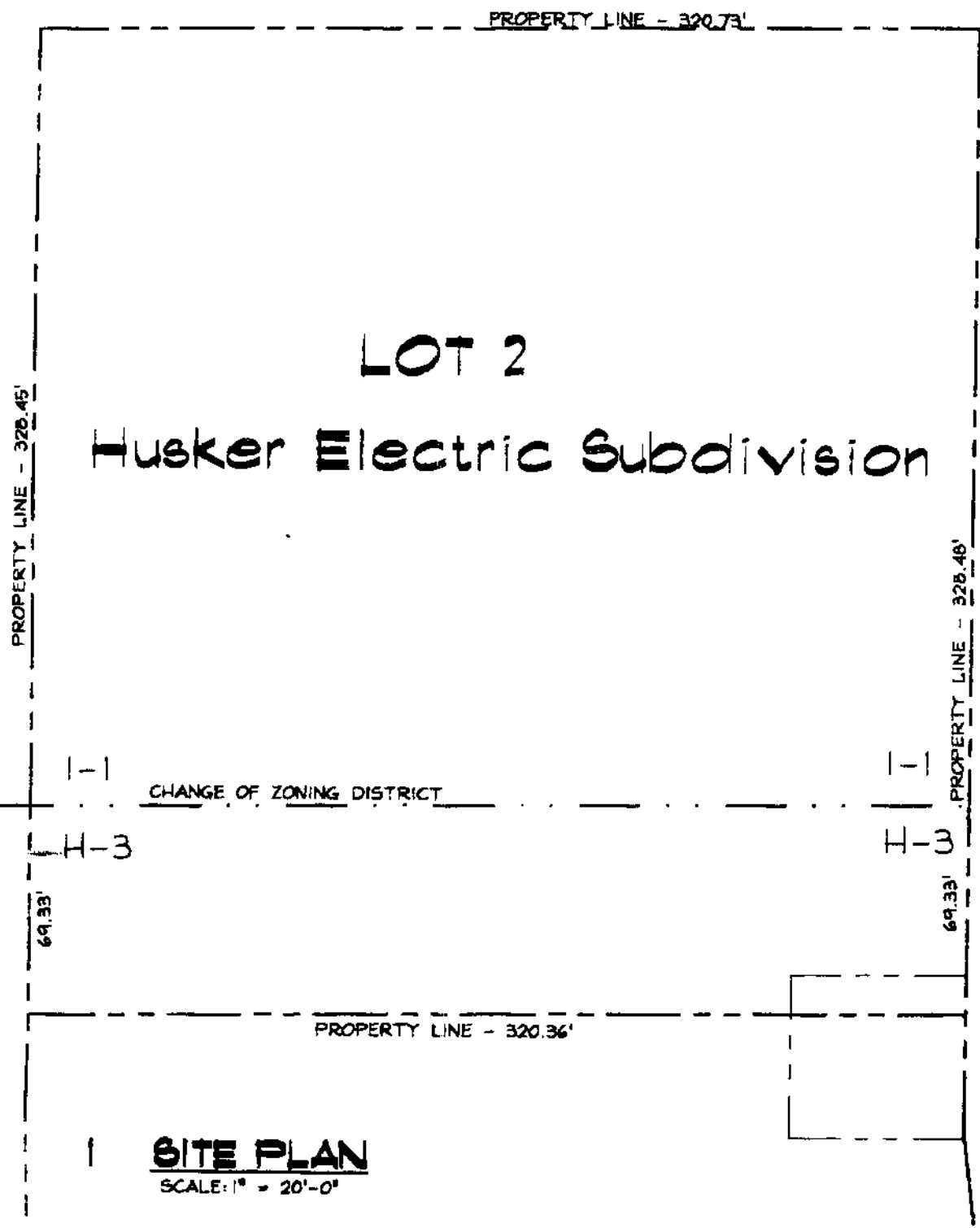


Sheet 2 of 2

Date: 4-8-01

Photograph Date: 1999 **008**

Lincoln City - Lancaster County Planning Dept.



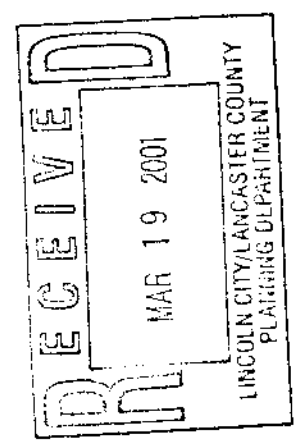
SITE PLAN
SCALE: 1" = 20'-0"

NORTH 35TH STREET

H-1
CHANGE OF ZONING DISTRICT
H-3

Hutchinson Design
HUTCHINSON DESIGN, P.C.
8915 SOUTH 56TH STREET, SUITE 0-8
LINCOLN, NEBRASKA 68516
PHONE 402.421.1302 FAX 402.421.1303
E-MAIL HUTCH@NETWEB.LOON
WWW.HUTCHINSONDESIGN.LOON

FEB 22 2001



27.43.080 Height and Area Regulations.

The maximum height and minimum lot requirements within the H-3 Highway Commercial District shall be as follows:

(a) General requirements:

(See Table 27.43.080(a) below)

(b) There shall be a required front yard on each street side of a double frontage lot.

(c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than twenty-eight feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards.

(d) Accessory buildings which are attached to or not located more than ten feet from the main structure shall be considered a part of the main structure and shall comply with the height and front, side, and rear

yard requirements of the main structure. Accessory buildings not a part of the main structure may be located in the required rear yard, but such accessory buildings may not occupy more than thirty percent of the required rear yard and shall not be nearer than two feet to any side or rear lot line. Such detached accessory buildings shall not exceed fifteen feet in height. Accessory buildings not a part of the main structure, if located not less than sixty feet from the front lot line, may extend into the required side yard though not nearer than two feet to the side lot line. A garage which is entered from an alley shall not be located closer than ten feet to the alley line.

(e) Dwellings existing in this district on the effective date of this title shall be considered nonstandard uses in conformance with the provisions of Chapter 27.61. (Ord. 12751 §20; November 5, 1979; prior Ord. 12657 §7; August 6, 1979; Ord. 12571 §197; May 8, 1979).

Table 27.43.080(a)

	Lot Area (Sq. ft.)	Avg. Lot Width	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
All permitted uses	0	0'	30'	Smaller of 15' or 10% of lot width, min. 5'; 20' when abutting residential district	Smaller of 30'* or 20% of depth	45'

* When a side or rear yard abuts a residential district, it shall be screened in conformance with the landscape design standards adopted by the City of Lincoln.

27.47.070 Height and Area Regulations.

The maximum height and minimum lot requirements within the I-1 Industrial District shall be as follows:

(a) The required front yard shall be fifteen feet except that on lots developed with buildings on the effective date of this title, the front yard shall be none except where the frontage on one side of a street between two intersecting streets is located partly in the I-1 Industrial District and partly in a district that requires a front yard, in which case the front yard requirements of the adjacent district shall apply to the I-1 Industrial District from the place where it abuts the other district to the next intersecting street, or for 300 feet, whichever is less.

(b) There shall be no required side and rear yards except when a side or rear yard abuts a residential district, in which case there shall be a required yard of twenty feet or ten percent of the lot width, whichever is less, provided the yard shall not be reduced to less than five feet, and it shall be screened in conformance with the landscape design standards of the City of Lincoln.

(c) The maximum height in the district shall be seventy-five feet.

(d) Accessory buildings shall not extend into any required yard.

(e) Dwellings existing in this district on the effective date of this title shall be considered nonstandard uses in conformance with the provisions of Chapter 27.61.

(f) There shall be a required front yard on each street side of a double frontage lot.

(g) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced to less than twenty-eight feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards.

(h) The required front yard shall be entirely devoted to landscaped area except for necessary paving of walkways and driveways to reach parking and loading areas in the side or rear yards, and provided, further, that any driveways which intersect the front yard shall not be wider than thirty feet. (Ord. 12571 §242; May 8, 1979).